

HON' BLE JUSTICE G. SRI DEVI

CRIMINAL APPEAL No. 1063 of 2009

JUDGMENT:

This Criminal Appeal is filed under Section 378 (3) and (1) of Cr.P.C. by the State, challenging the judgment, dated 29.11.2007 passed in S.C.No.49 of 2007 on the file of the Special Sessions Judge for SC/ STs (POA) Act, Nalgonda, wherein the accused were acquitted for the offence punishable under Section 324 read with Section 34 of I.P.C. and Section 3 (1) (x) of the SC/ STs (POA) Act, 1989.

For the sake of convenience, the parties will hereinafter be referred to as arrayed in S.C.

In brief, the case of the prosecution is that on 12.11.2004 at about 10.00 P.M., the accused went to the house of the complainant and abused him with reference his caste and also beat him with stick on right cheek and waist and when his sister and his wife intervened, A-1 abused his sister as "Madiga Lanjadana" and beat her with stick on her left thigh and A-4 beat his wife Ramana with stick on her right hand and in the mid night A-1 to A-4 came to the locality of the complainant in a tractor and moved around, uttering abuses and created terror and went away.

This Court perused the entire impugned judgment and also heard the arguments.

In view of the contradictory evidence of P.Ws.1 to 3 with each other and also since the case of the prosecution suffers from lack of corroboration from independent evidence, the learned trial Judge acquitted the accused persons. The reasons assigned by the learned trial Judge are well in accordance with law and the trial Court has appreciated the entire evidence in proper perspective.

Further, in an appeal against acquittal, the scope of this Court is very limited and if there is any perversity or illegality appears on the face of the record, then only this Court can interfere with the finding of the lower Court. It is well settled that in an appeal against acquittal, the Appellate Court can interfere only when there is possibility of one view, which is pointing towards the guilt of the accused. When there is possibility of two views and one view, which is in favour of the accused, is taken into account and the accused is acquitted by the competent Court, there is no need to interfere with the order passed by the trial Court.

Considering the above said proposition of law and after perusal of the record and the judgment of the Court below,

this Court is of the view that there is no need to interfere with the order of acquittal passed by the learned trial Judge.

Hence, the Criminal Appeal is dismissed, confirmed the judgment passed in S.C.No.49 of 20078 on the file of the Special Sessions Judge for SC/ STs (POA) Act, Nalgonda.

Miscellaneous petitions filed in this appeal, if any, shall stand closed.

01.03.2021
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JUSTICE G. SRI DEVI

